

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL SCOTT JONES,) No. C 07-4323 JSW (PR)

Petitioner,

vs.

ARNOLD SCHWARZENNEGGER.

Respondents.

No. C 07-4323 JSW (PR)

ORDER DENYING MOTION FOR COUNSEL

(Docket No. 14)

Petitioner has filed a motion seeking appointment of counsel (docket no. 14).

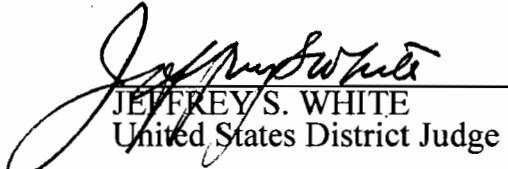
Petitioner requests that counsel be appointed to represent him because he has required assistance to litigate this action and for an evidentiary hearing or oral argument, should there be a need for one. However, the Sixth Amendment's right to counsel does not apply in habeas corpus actions. *Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). 18 U.S.C. § 3006A(a)(2)(B) authorizes appointment of counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require and such person is financially unable to obtain representation." The decision to appoint counsel is within the discretion of the district court. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Knaubert*, 791 F.2d at 728.

Here, no evidentiary hearing is necessary at this time. The Court concludes that the interests of justice do not require appointment of counsel at this time, as Petitioner has adequately presented the issues in the petition. Accordingly, Petitioner's motion for

1 appointment of counsel (docket no. 14) is DENIED without prejudice to the Court's *sua
2 sponte* reconsideration.

3 IT IS SO ORDERED.

4 DATED: AUG 25 2008


5 JEFFREY S. WHITE
6 United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL S. JONES,

Plaintiff,

v.

ARNOLD SCHWARZENEGGER et al,

Defendant.

Case Number: CV07-04323 JSW

CERTIFICATE OF SERVICE

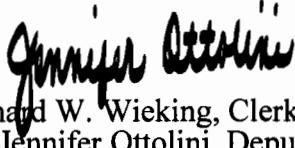
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 25, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael Scott Jones E-40401
P.O. Box 689 (G-Wing 319L)
Soledad, CA 93960-0689

Stacey D Schesser
Department of Justice
455 Golden Gate Ave
Suite 11000
San Francisco, CA 94102

Dated: August 25, 2008


Richard W. Wiking, Clerk
By: Jennifer Ottolini, Deputy Clerk